

1 **OUTTEN & GOLDEN LLP**
2 Jahan C. Sagafi (State Bar # 224887)
3 jsagafi@outtengolden.com
4 One Embarcadero Center, 38th Floor
5 San Jose, California 94111

6 **SOMMERS SCHWARTZ, P.C.**
7 Kevin J. Stoops (*Pro Hac Vice*)
8 kstoops@sommerspc.com
9 Charles R. Ash, IV (*Pro Hac Vice*)
10 crash@sommerspc.com
11 One Towne Square, 17th Floor
12 Southfield, Michigan 84076

13 Attorneys for Plaintiffs
14 MARK CASSINGHAM, individually and on behalf of all others
15 similarly situated

16 *Additional Counsel on following page*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARK CASSINGHAM, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CINTAS CORPORATE SERVICES, INC.,

Defendant.

Case No. 5:17-cv-05014-BLF

**STIPULATION FOR DISMISSAL AND
[PROPOSED] ORDER**

Judge: Hon. Beth Labson Freeman
Date Filed: August 29, 2017

1 **SQUIRE PATTON BOGGS (US) LLP**

2 Michael W. Kelly (State Bar # 214038)

3 michael.kelly@squirepb.com

4 275 Battery Street, Suite 2600

5 San Francisco, California 94111

6 Marisol C. Mork (State Bar # 240973)

7 marisol.mork@squirepb.com

8 555 South Flower Street, 31st Floor

9 Los Angeles, CA 90071

10 Telephone: 213.624.2500

11 Facsimile: 213.623.4581

12 Attorneys for Defendants

13 CINTAS CORPORATION NO. 2, *erroneously*

14 named as CINTAS CORPORATE SERVICES,

15 INC.

1
2 WHEREAS, on August 29, 2017, plaintiffs filed *Cassingham v. Cintas Corporate Services*,
3 Case No. 5:17-cv-05014, in the United States District Court for the Northern District of California
4 (“*Cassingham Action*”) against defendants (collectively “Cintas”), alleging that Cintas had failed
5 to pay all overtime wages due under the FLSA and certain state laws;

6 WHEREAS, Plaintiffs Jair Ortez and Jared Burton opted into the *Cassingham Action* but
7 now, along with Plaintiff Mark Cassingham, have determined to dismiss with prejudice their
8 respective causes of action and/or claims against Cintas as set out in the *Cassingham* action;

9 WHEREAS, the PAGA claim made by Plaintiffs in this action is already the subject of
10 litigation and a negotiated settlement in the related cases, *Lisa Paramo v. Cintas Corporate*
11 *Services, Inc., et al.* (Superior Court of California, County of San Bernardino CIVDS1719941) and
12 *Ato Williams v. Cintas Corporate Services, Inc., et al.* (United States District Court, Northern
13 District of California 3:17-cv-1623);

14 NOW THEREFORE, the parties, through their respective counsel of record, hereby
15 stipulate:

16 Plaintiffs Mark Cassingham (“*Cassingham*”), Jair Ortez (“*Ortez*”), and Jared Burton
17 (“*Burton*”) hereby withdraw and dismiss with prejudice, all causes of action and claims made in
18 *Cassingham v. Cintas Corporate Services*, N.D. Cal., Case No. 5:17-cv-05014-BLF, except for
19 Plaintiffs’ PAGA action, which shall be dismissed with prejudice only as to the claims of
20 Cassingham, Ortez and Burton and dismissed without prejudice as to the representative aspect of
21 the PAGA claim which representative claim is otherwise the subject of the settlement in the
22 aforementioned *Willaims* and *Paramo* matters.

23 Neither this stipulation nor the order of dismissal thereon shall constitute or imply any
24 admission, concession or adjudication by any party regarding any claim raised in or by the
25 *Cassingham Action*.

26 This stipulation may be executed in counterparts and the executed counterparts may be
27 exchanged electronically or by facsimile, but all such counterparts taken together shall constitute
28 but one and the same stipulation.

1 Each party shall bear its own costs, attorneys' fees and litigation expenses related to the
2 *Cassingham* Action.

3
4 IT IS SO STIPULATED.

5
6 Dated: August 16, 2019

Respectfully submitted,

7 **OUTTEN & GOLDEN LLP;**
8 **SOMMERS SCHWARTZ, P.C.**

9 By: /s/ Kevin J. Stoops

10 Jahan C. Sagafi
11 Kevin J. Stoops
12 Charles R. Ash, IV

13 Attorneys for Plaintiff
14 MARK CASSINGHAM, individually and on
15 behalf of all others similarly situated

16 Dated: August 16, 2019

Respectfully submitted,

17 **SQUIRE PATTON BOGGS (US) LLP**

18 By: /s/ Marisol C. Mork

19 Michael W. Kelly
20 Marisol C. Mork

21 Attorneys for Defendant
22 CINTAS CORPORATION NO. 2, *erroneously*
23 named as CINTAS CORPORATE SERVICES,
24 INC.

ATTESTATION STATEMENT

I, Marisol C. Mork, am the ECF User whose identification and password are being used to file this STIPULATION FOR DISMISSAL AND [PROPOSED] ORDER. Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been obtained from all counsel and I will maintain records to support such concurrence.

/s/ Marisol C. Mork

Marisol C. Mork

SQUIRE PATTON BOGGS (US) LLP
275 Battery Street, Suite 2600
San Francisco, California 94111

1 **[PROPOSED] ORDER**

2 Under Federal Rule of Civil Procedure Rule 41(a)(1), this Court has reviewed the parties'
3 stipulation and good cause appearing therefore, hereby approves the withdrawal of the Plaintiffs
4 Mark Cassingham, Jair Ortez, and Jared Burton and further orders the following:

5 1. Plaintiffs' sixth cause of action (for PAGA claims) is hereby dismissed without
6 prejudice;
7 2. Plaintiffs' first, second, third, fourth, and fifth causes of action are hereby dismissed
8 with prejudice.
9 3. Each party shall bear their own fees and costs.

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11 Dated: August 19, 2019



12 The Honorable Beth Labson Freeman
13 UNITED STATES DISTRICT COURT JUDGE